

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5618

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1310d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1310D. (1) BEFORE SUSPENDING OR EXPELLING A PUPIL UNDER
2 SECTION 1310, 1311(1), 1311(2), OR 1311A, THE BOARD OF A SCHOOL
3 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A
4 PUBLIC SCHOOL ACADEMY, OR A SUPERINTENDENT, SCHOOL PRINCIPAL, OR
5 OTHER DESIGNEE UNDER SECTION 1311(1), SHALL CONSIDER EACH OF THE
6 FOLLOWING FACTORS:
7 (A) THE PUPIL'S AGE.
8 (B) THE PUPIL'S DISCIPLINARY HISTORY.
9 (C) WHETHER THE PUPIL IS A STUDENT WITH A DISABILITY.
10 (D) THE SERIOUSNESS OF THE VIOLATION OR BEHAVIOR COMMITTED BY

1 THE PUPIL.

2 (E) WHETHER THE VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL
3 THREATENED THE SAFETY OF ANY PUPIL OR STAFF MEMBER.

4 (F) WHETHER RESTORATIVE PRACTICES WILL BE USED TO ADDRESS THE
5 VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL.

6 (G) WHETHER A LESSER INTERVENTION WOULD PROPERLY ADDRESS THE
7 VIOLATION OR BEHAVIOR COMMITTED BY THE PUPIL.

8 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THIS SECTION APPLIES
9 TO GIVE THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
10 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, OR ITS
11 DESIGNEE, DISCRETION OVER WHETHER OR NOT TO SUSPEND OR EXPEL A
12 PUPIL UNDER SECTION 1310, 1311(1), 1311(2), OR 1311A. IN EXERCISING
13 THIS DISCRETION, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT A
14 SUSPENSION OR EXPULSION IS NOT JUSTIFIED.

15 (3) THIS SECTION DOES NOT APPLY TO A PUPIL BEING EXPELLED
16 UNDER SECTION 1311(2) FOR POSSESSING A FIREARM IN A WEAPON FREE
17 SCHOOL ZONE.

18 (4) EXCEPT AS PROVIDED IN SUBSECTION (3), CONSIDERATION OF THE
19 FACTORS LISTED IN SUBSECTION (1) IS MANDATORY BEFORE SUSPENDING OR
20 EXPELLING A STUDENT UNDER SECTION 1310, 1311(1), 1311(2), OR 1311A.
21 THE METHOD USED FOR CONSIDERATION OF THE FACTORS IS AT THE SOLE
22 DISCRETION OF THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
23 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, OR ITS
24 DESIGNEE.

25 (5) AS USED IN THIS SECTION:

26 (A) "EXPEL" MEANS TO EXCLUDE A PUPIL FROM SCHOOL FOR
27 DISCIPLINARY REASONS FOR A PERIOD OF 60 OR MORE SCHOOL DAYS.

1 (B) "FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 1311.

2 (C) "SUSPEND" MEANS TO EXCLUDE A PUPIL FROM SCHOOL FOR
3 DISCIPLINARY REASONS FOR A PERIOD OF FEWER THAN 60 SCHOOL DAYS.

4 (D) "WEAPON FREE SCHOOL ZONE" MEANS THAT TERM AS DEFINED IN
5 SECTION 1311.

6 Enacting section 1. This amendatory act takes effect August 1,
7 2016.

8 Enacting section 2. This amendatory act does not take effect
9 unless all of the following bills of the 98th Legislature are
10 enacted into law:

11 (a) House Bill No. 5693.

12 (b) House Bill No. 5694.

13 (c) House Bill No. 5695.